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January 2, 2008

Letters to the Editor
Bakersfield Californian
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Bakersfield, CA 93302
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editor@bakersfield.com

REF: Editorial entitled "Hello! Records are 'confidential'", published
12/28/2007

To the Editor:

As a health care professional I generally applaud your recent editorial concerning allegations that the Health Insurance Portability and Accountability Act of 1996 (HIPAA) may have been violated by residents with privileges at Kern Medical Center (as alleged by Dr. Nicole Sharkey).

I have alleged similar abuses by San Joaquin Community Hospital (operated by the Adventist Health System) and I presently have a civil action under review before the U.S. Supreme Court.

You may be interested to know that there have been only two (2) successful criminal prosecutions under HIPAA since its inception (Eric Drew a leukemia patient was the first).

In light of the non-existent enforcement of HIPAA, I have new concerns about the recent introduction of federal legislation by Senator Edward Kennedy (D-MASS) under Senate Bill 1693, *The Wired for Health Care Quality Act*, to create a national "big brother" data sharing network.

As I point out in my *Petition for Writ of Certiorari* to the U.S. Supreme Court, there are almost no protections to prevent retaliatory actions against citizens with confidential patient information as the weapon.

We need to set an example that the breach of patient confidential medical records will not be tolerated. I suggest we start with the San Joaquin Community Hospital; after all, they would make a fine example as the evidentiary record is very well developed.

Sincerely,

Barb Clark
www.BarbClark.org

Copies provided:

Winston A. Wilkinson, Director
Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201
FAX (202) 619-3437 and 619-1333

Daniel Levinson, Principal Deputy
Office of Inspector General
U.S. Department of Health and Human Services
Ibid.
FAX (202) 205-9758

ATTN: Peer Review Committee
Bakersfield Memorial Hospital
420 34th Street
Bakersfield, CA 93309
Fax: 661-327-8061

Caveat: under fair use doctrine I would like to post your editorial on my web site:

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